MONTANA LEGISLATIVE HISTORY

Chapter 74 19 83

Bill H 630 S _____ Original bill & history ✓ C

H. Committee on Natural Resources			S. Committee on Natural Resources		
Hearing Date(s)	2/7	✓ C	Hearing Date(s)	3/2	✓ C
	[illegible]	C		"	C
		C			C
		C			C
Date Out		C			

Did this bill originate in an interim committee? ____Yes ____No

Committee _____ Report _____

House BILL NO. 630

INTRODUCED BY Knudsen

A BILL FOR AN ACT ENTITLED: "AN ACT TO AUTHORIZE A POLITICAL SUBDIVISION TO ADOPT FLOODPLAIN MANAGEMENT REGULATIONS WITHIN AREAS SUBJECT TO SHEETFLOODING AS DETERMINED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY; AMENDING SECTION 76-5-301, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 76-5-301, MCA, is amended to read:

"76-5-301. Land use regulations. (1) Upon transmittal of the floodplain information to officials of a political subdivision, the political subdivision has 6 months from the date of transmittal to adopt land use regulations which meet or exceed the minimum standards of the board. Such regulations may include, for the purposes of floodplain management only, floodplain management regulations within sheetflood areas as determined by the federal emergency management agency.

(2) If within the 6-month period the political subdivision has failed to adopt the land use regulations, the department shall enforce the minimum standards within the designated floodplain or the designated floodway as established by the board under 76-5-202 through 76-5-205, and no artificial obstruction or nonconforming use may be established by any person within the designated floodplain or the designated floodway unless specifically authorized by the board.

(3) A political subdivision which has failed to adopt land use regulations which meet or exceed the minimum standards of the board within the 6-month period may subsequently adopt such regulations, and if approved by the board, they shall be effective within the designated floodplain or floodway and administered and enforced by the political subdivision.

(4) When necessary for compliance with federal flood insurance requirements, the board may shorten the 6-month period upon notification to the political subdivision and publication of a notice thereof in a newspaper of general circulation in the affected area once a week for 3 consecutive weeks."

-End-

HOUSE BILL NO. 630

INTRODUCED BY DONALDSON

IN THE HOUSE

February 3, 1983	Introduced and referred to Committee on Natural Resources.
February 8, 1983	Committee recommend bill do pass. Report adopted.
	Bill printed and placed on members' desks.
February 10, 1983	Second reading, pass consideration.
February 11, 1983	Second reading, do pass.
February 14, 1983	Considered correctly engrossed.
February 15, 1983	Third reading, passed. Transmitted to Senate.

IN THE SENATE

February 16, 1983	Introduced and referred to Committee on Natural Resources.
March 2, 1983	Committee recommend bill be concurred in. Report adopted.
March 4, 1983	Second reading, concurred in.
March 7, 1983	Third reading, concurred in. Ayes, 47; Noes, 1.

IN THE HOUSE

March 7, 1983	Returned to House.
March 8, 1983	Sent to enrolling.
	Reported correctly enrolled.

INTRODUCED: 02/03/83
REFERRED TO COMMITTEE ON BUSINESS & INDUSTRY: 02/03/83
HEARING: 2/10/83
REPORT: 02/10/83, DO PASS
REREFERRED TO COMMITTEE ON APPROPRIATIONS: 02/12/83
2ND READING: 02/21/83, DO NOT PASS AYES: 41; NAYS: 38
REREFERRED 2ND READING: 02/22/83, DO PASS AS AMENDED AYES: 86; NAYS: 12
3RD READING: 02/23/83, DO PASS AYES: 79; NAYS: 18

TRANSMITTED TO SENATE: 02/23/83
REFERRED TO COMMITTEE ON STATE ADMINISTRATION: 3/1/83
HEARING: 3/10/83
REPORT: 3/10/83, BE CONCURRED IN, AS AMENDED
ON MOTION, 3/12/83, THAT PASS CONSIDERATION BE GIVEN TO THE BILL THIS DATE. MOTION PASSED UNANIMOUSLY.
2ND READING: 03/14/83, BE CONCURRED IN AYES: 38; NAYS: 6
3RD READING: 03/16/83 AYES: 41; NAYS: 8

RETURNED TO HOUSE WITH AMENDMENTS: 03/16/83
2ND READING: 03/31/83, BE CONCURRED IN AYES: 85; NAYS: 3
3RD READING: 04/01/83, BE CONCURRED IN AYES: 83; NAYS: 2

TRANSMITTED TO GOVERNOR: 04/12/83
SIGNED: 04/15/83, CHAPTER 538

HB 628 -- HARPER, O'CONNELL -- PROVIDING THAT A PERSON WHO IS NOT INFORMED OF HIS RIGHT TO APPEAL A COURT ORDER FINDING HIM TO BE SERIOUSLY MENTALLY ILL AND TO WHOM THE REMEDY OF HABEAS CORPUS IS UNAVAILABLE MAY COMMENCE A PROCEEDING FOR REVIEW OF THAT ORDER IN THE SUPREME COURT WITHIN 5 YEARS OF THE ENTRY OF SUCH ORDER; SPECIFYING THE CONTENT OF A PETITION FOR REVIEW; SPECIFYING THE GROUNDS FOR RELIEF THAT MAY BE RAISED AND HOW PROCEEDINGS ON THE PETITION ARE TO BE CONDUCTED BY THE SUPREME COURT; AMENDING ....

INTRODUCED: 02/03/83
REFERRED TO COMMITTEE ON JUDICIARY: 02/03/83
HEARING: 2/10/83
REPORT: 02/10/83, DO PASS
2ND READING: 02/12/83, DO PASS AYES: 74; NAYS: 0
3RD READING: 02/15/83, DO PASS AYES: 97; NAYS: 1

TRANSMITTED TO SENATE: 2/15/83
REFERRED TO COMMITTEE ON JUDICIARY: 02/16/83
HEARING: 3/7/83
REPORT: 03/25/83, BE CONCURRED IN, AS AMENDED
2ND READING: 03/26/83, BE CONCURRED IN, AS AMENDED AYES: 48; NAYS: 0
3RD READING: 03/28/83 AYES: 46; NAYS: 0

RETURNED TO HOUSE WITH AMENDMENTS: 3/28/83
2ND READING: 04/01/83, BE CONCURRED IN AYES: 82; NAYS: 0
3RD READING: 04/04/83, BE CONCURRED IN AYES: 94; NAYS: 0

TRANSMITTED TO GOVERNOR: 04/13/83
SIGNED: 04/15/83, CHAPTER 522

HB 629 -- D. BROWN, ADDY, KEYSER, ET AL. -- TO DEFINE THE TERM "GENERAL ELECTION" FOR THE PURPOSE OF SUBMISSION TO THE PEOPLE OF LAWS OR CONSTITUTIONAL AMENDMENTS BY THE LEGISLATURE; AMENDING ....

BY REQUEST OF: THE HOUSE JUDICIARY COMMITTEE

INTRODUCED: 02/03/83
REFERRED TO COMMITTEE ON JUDICIARY: 02/03/83
HEARING: 2/7/83
REPORT: 02/07/83, DO PASS
2ND READING: 02/09/83, DO PASS AYES: 96; NAYS: 0
3RD READING: 02/11/83, DO PASS AYES; 97; NAYS: 0

TRANSMITTED TO SENATE: 2/11/83
REFERRED TO COMMITTEE ON JUDICIARY: 02/12/83
HEARING: 3/17/83
REPORT: 03/17/83, BE CONCURRED IN
2ND READING: 03/19/83 AYES: 49; NAYS: 0
3RD READING: 03/22/83 AYES: 48; NAYS: 0

RETURNED TO HOUSE: 3/22/83

TRANSMITTED TO GOVERNOR: 03/28/83
RETURNED WITH AMENDMENTS: 4/2/83

HOUSE
2ND READING: 04/05/83, BE ADOPTED AYES: 94; NAYS: 1
3RD READING: 4/6/83, BE ADOPTED AYES: 88; NAYS: 2

TRANSMITTED TO SENATE: 04/06/83
2ND READING: 04/08/83 AYES: 48; NAYS: 0
3RD READING: 04/11/83 AYES: 50; NAYS: 0

RETURNED TO HOUSE 4/11/83

TRANSMITTED TO GOVERNOR: 4/16/83
SIGNED: 04/20/83, CHAPTER 603

HB 630 -- DONALDSON -- TO AUTHORIZE A POLITICAL SUBDIVISION TO ADOPT FLOODPLAIN MANAGEMENT REGULATIONS WITHIN AREAS SUBJECT TO SHEETFLOODING AS DETERMINED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY; AMENDING ....

INTRODUCED: 02/03/83
REFERRED TO COMMITTEE ON NATURAL RESOURCES: 02/03/83
HEARING: 2/7/83
REPORT: 02/08/83, DO PASS
2ND READING: 02/11/83, DO PASS AYES: 90; NAYS: 3
3RD READING: 02/15/83, DO PASS AYES: 96; NAYS: 2

TRANSMITTED TO SENATE: 2/15/83
REFERRED TO COMMITTEE ON NATURAL RESOURCES: 02/16/83
HEARING: 3/2/83
REPORT: 3/2/83, BE CONCURRED IN
2ND READING: 03/04/83 AYES: 47; NAYS: 0
3RD READING: 03/07/83 AYES: 47; NAYS: 1

RETURNED TO HOUSE: 3/7/83

TRANSMITTED TO GOVERNOR: 3/10/83
SIGNED: 03/14/83, CHAPTER 74

HOUSE NATURAL RESOURCES COMMITTEE

1983

HARPER, HAL, CHAIRMAN
REAM, BOB, VICE CHAIRMAN

ADDY, KELLY
ASAY, TOM
BERGENE, TONI
BERTELSEN, VERN
BROWN, DAVID
CURTISS, AUBYN
FAGG, HARRISON
HAND, BILL
IVERSON, DENNIS
JENSEN, JAMES
MCBRIDE, KATHLEEN
METCALF, JERRY
MUELLER, GLENN
NEUMAN, TED
NORDTVEDT, KEN
QUILICI, JOE
VELEBER, DENNIS

John Carter, Researcher
Emelia Satre, Secretary

ROLL CALL

HOUSE NATURAL RESOURCES COMMITTEE

48 LEGISLATIVE SESSION, 1983

Name	Date 1/5	1/10	1/14	1/19	1/21	1/24	1/26	1/28	1/31	2/2	2/4	2/7	2/9	2/11
CHAIRMAN HAL HARPER	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
V.CHM. BOB REAM	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
KELLY ADDY	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
TOM ASAY	✓	✓	✓	✓	✓	✓	Ex	✓	✓	✓	Ex	✓	✓	✓
TONI BERGENE	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
VERN BERTELSEN	✓	✓	Ex	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
DAVID BROWN	Ex	✓	✓	✓	✓	✓	✓	✓	ab	✓	✓	✓	✓	✓
AUBYN CURTISS	✓	✓	✓	✓	✓	✓	Ex	Ex	✓	✓	✓	✓	✓	✓
HARRISON FAGG	✓	✓	✓	✓	Ex	✓	✓	✓	✓	✓	✓	✓	✓	✓
BILL HAND	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
DENNIS IVERSON	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	Ex	✓	✓	✓
JAMES JENSEN	✓	✓	✓	✓	✓	✓	✓	ab	✓	✓	✓	✓	✓	✓
KATHLEEN McBRIDE	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
JERRY METCALF	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	Ex	✓	✓	✓
GLENN MUELLER	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
TED NEUMAN	✓	✓	✓	Ex	✓	✓	✓	✓	✓	Ex	✓	Ex	✓	✓
KEN NORDTVEDT	ab	ab	✓	ab	ab	✓	✓	✓	✓	✓	✓	ab	✓	✓
JOE QUILICI	✓	✓	✓	Ex	✓	✓	Ex	ab	✓	✓	✓	✓	Ex	Ex
DENNIS VELEBER	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓

ROLL CALL VOTE ------ NATURAL RESOURCES COMMITTEE

	Date: 2/9 No: HB 472 A-Do Pass	Date: 2/7 No: HB 615 A-Do Pass	Date: 2/7 No: HB 616 A-Do Pass	Date: 2/7 No: HB 630 Do Pass	Date 2/16 No: HB 646 Do Pass	Date 2/11 No: HB 676 Do Not Pass	Date: 2/14 No: HB 711 Do Not pass
HARPER, CHM.	X	X	X	X	X	X	X
REAM, V. CHM.	X	X	X	X	X	no	X
ADDY	X	X	X	X	X	X	X
ASAY	ab	X	X	X	X	X	X
BERGENE	X	X	X	X	X	X	X
BERTELSEN	X	X	X	X	X	X	X
BROWN	X	X	X	X	no	X	ab
CURTISS	X	X	X	X	no	X	X
FAGG	X	X	X	X	X	X	ab
HAND	X	X	X	X	X	X	X
IVERSON	X	X	X	X	no	X	ab
JENSEN	X	X	X	X	X	X	X
McBRIDE	X	X	X	X	ab	X	X
METCALF	X	X	X	X	X	no	X
MUELLER	X	X	X	X	no	X	X
NEUMAN	X	ab	ab	ab	no	X	X
NORDTVEDT	no	ab	ab	ab	no	ab	ab
QUILICI	ab	X	X	X	ab	ab	ab
VELEBER	X	X	X	X	X	no	X

CS-31
1-81

Bill No.	Subject Matter	Date In	Sponsor	Hearing Date	Committee Action	Date Out
HB 630	Authorizes a political subdivision to adopt floodplain management regulations within areas subject to sheet flooding as determined by fed. emer. mgmt.	2/3	Donaldson	2/7	DO PASS	2/7
HB 646	Authorizes local governing bodies to adopt regulations further defining "subdivisions" and restricts the use of exemptions	2/4	Lory	2/11	DO PASS	2/16
HB 676	Requires deposit in the earmarked revenue fund of money paid to the DNRC under provisions of the MFSA; provides for expenditure of such money, etc.	2/7	Ream	2/11	DO NOT PASS	2/11
HB 711	Requires the DNR&C to assess & collect fees from water use claimants to pay expenses incurred by the state for administering certain water laws	2/10	Harrington	2/14	DO NOT PASS TABLED AND AS AMENDED DO PASS	2/14 2/16 2/21
HB 724	Allocates 30% of the interest income from the RIT account to a hard-rock mining mitigation account	2/11	Daily	2/16	AND AS AMENDED DO PASS	2/16
HB 762	Revises the Montana Subdivision and Platting Act and related land-use statutes; exempts certain subdivisions from review, etc.	2/12	Lory	2/18	AND AS AMENDED DO PASS	2/18

this bill doesn't address that.

Rep. Quilici said we should hear both bills but then take each bill on their own merits and not try to dribble one bill into another.

Rep. Iverson withdrew his motion but said it was beyond him that we are talking about taking the only expertise in this field and having them only on the advisory board. He hoped the committee would have the wisdom to leave them with their own industry.

HOUSE BILL 200 Rep. Brown moved the amendments, a copy of which is Exhibit 6 of the minutes. He said the amendment has 6 percent of the income interest from the RIT fund beginning in 1986 to fund this act. For the next two years the state's share of the 9 to 1 match will come from the junk vehicle tax. He said this superfund has great application for the state and we should be on record as saying we want to be part of it.

Rep. Quilici said if you can find the money in the RIT fund, fine.

Rep. Ream said Rep. Brown had discussed the amendment with him and he concurred with it. He said the reason we can't wait to ask for the money until next session is one has to get in before the budget is figured.

The motion to accept the amendments passed unanimously with those present. Absent were Reps. Neuman, Nordtvedt and Asay.

Rep. Metcalf moved the bill AS AMENDED DO PASS. This carried unanimously with those present (same absent).

Chairman Harper closed the executive session and opened the meeting to a hearing on HB 630.

HOUSE BILL 630

REPRESENTATIVE JERRY METCALF, District 31, introduced the bill on behalf of Rep. Donaldson, who was temporarily absent.

PAUL SPENGLER, Lewis and Clark County Flood Plain Administrator, spoke in support and a copy of his testimony is Exhibit 7.

GUS BYROM, Lewis and Clark County Planning Board, said there are 500 to 600 homes with 1500 to 2000 people in this area. He said this is an area where development should be prohibited. He said if the flood was likely to be over a foot they wouldn't want development. He felt the county needed the authority to have a floodplain management program to mitigate effects of future sheet

flooding.

BOB DECKER, Lewis and Clark County Commissioner, said he wholeheartedly supports the bill. He said after the flood of 1981 the state spent $850,000 to clean up the mess and $150,000 in our county. He said the federal government spent $6,000,000 to clean up this area. He said this bill would save money by ameliorating potential flood damage.

GARY FRITZ, Department of Natural Resources and Conservation, spoke in support of the bill and a copy of his testimony is Exhibit 8.

REPRESENTATIVE GENE DONALDSON, District 29, chief sponsor, came. He opened and apologized for being late and closed.

Questions were asked by the committee.

Rep. Addy said it sounded like the developers have to a certain extent set the stage for the need of this legislation as they haven't wanted to be under the federal regulations.

Mr. Spengler said three years ago there was a lot of public opposition for legislation in this area. Then we were hit by the flood and then it really came home to people that we would have to have some coverage in the sheet flood area.

Chairman Harper closed the hearing on this bill and opened the hearing to executive session once again.

EXECUTIVE SESSION

HOUSE BILL 630 — Rep. Fagg moved DO PASS. The motion carried unanimously with those present (Reps. Neuman and Nordtvedt were absent).

The meeting adjourned at 2 p.m.

Respectfully submitted,

HAL HARPER, CHAIRMAN

Emelia A. Satre, Secretary

48TH LEGISLATIVE SESSION

COMMITTEE ON SENATE NATURAL RESOURCES

HOUSE BILL NO.	ENTERED COMM.	DATE CONSIDERED	OUT OF COMM.	DO PASS DATE	DO NOT PASS DATE	DO PASS AS AMEND. DATE	BE CONCURRED IN DATE	BE CONC. IN AS AMENDED DATE	BE NOT CONCURRED IN DATE
HB 324	2-03-83	3-11-83	3-11-83				3-11-83		
HB 352	2-05-83	3-09-83	3-09-83				3-09-83		
HB 373	3-01-83	3-14-83	3-14-83				3-14-83		
HB 391	2-16-83	3-02-83	3-07-83					3-07-83	
HB 436	2-04-83	3-09-83	3-09-83				3-09-83		
HB 472	3-02-83	3-14-83	3-14-83				3-14-83		
HB 520	2-17-83	3-02-83	3-02-83				3-02-83		
HB 615	2-12-83	3-04-83	3-04-83					3-04-83	
HB 630	2-16-83	3-02-83	3-02-83				3-02-83		

Use a separate sheet for Senate, House Bills, and Resolutions.

48TH LEGISLATIVE SESSION

MINUTES OF
NATURAL RESOURCES COMMITTEE
MONTANA STATE SENATE

March 2, 1983

A regularly scheduled meeting of the Senate Natural Resources Committee was called to order by Senator Harold L. Dover, Chairman, on Wednesday, March 2, 1983 at 1:00 p.m. in Room 405, State Capitol.

ROLL CALL: Roll was called, with all members of the committee being present.

HOUSE BILL 520: Chairman Dover opened the hearing and called on Representative Glenn Roush, District 13, sponsor of the bill. Rep. Roush stated this bill was requested by the Montana Coal Tax oversight committee, to clarify how the Montana Coal Board can handle grants in respect to population. They are responsible for administration of the coal severance tax, and the change would result in better distribution of the funds. The bill defines five distinct three-year periods to be considered, and establishes annual review for those on the priority list.

PROPONENTS: Chairman Dover called for further proponents. There were none.

OPPONENTS: Chairman called for opponents, there were none.

Senator Halligan inquired as to what was the problem with the previous wording? It was stated that some counties are getting grants on the 1972 population figures, which is not accurate as to present population. Rep. Roush stated members of the Coal Board were present to answer further questions. The oversight committee felt the board was doing the best job they could under present law, but that grants couldn't be justified to some areas under present population. Senator Halligan inquired as to whether there would be a way to simplify the language? Mr. Campbell of the Coal Board stated there had been much discussion, that the five periods of three years was necessary to determine three years prior for updating and projecting population figures. Senator Eck inquired whether all of the money for grants has been used? Mr. Campbell stated that $35 Million was used for school projects, such as Colstrip, Hardin and Lame Deer. In FY 83 the board was given $7 million for grants, they awarded $5 million and the balance of $2.4 Million went to the educational trust fund, so they had not granted all available monies. The next highest users of the grants were cities for water and sewer, fire trucks, and patrol vehicles. The smallest recipients were the counties.

to be taken from the value of the land at the beginning of the lease and at the present, increase in lease would be related to increase of land value. Senator Keating noted the bill says it would increase every 5th year. It doesn't say an average for the period, and that could make a 40-50 CPI increase. He also noted the bill doesn't speak to a decrease in value of the lease, which also could happen. He suggested that on line 22, it state "which value may be increased or decreased every 5th year, based on the appraised value of the land." Senator Lee inquired if all leased lots would be appraised? Mr. Hemmer stated they would use a representative sample. Senator Eck suggested giving flexibility to the raising or lowering of the leases according to the CPI and that it did not necessarily have to be bound by that amount. Hearing was then closed and it was agreed to put the bill into subcommittee, Senators Lee and Keating were assigned to meet on HB 391 with Rep. Stobie, Mr. Hemmer and Howard Johnson of EQC.

HOUSE BILL 630: Chairman Dover called on Gene Donaldson, Helena Representative, sponsor of this bill. Rep. Donaldson stated two years ago there had been a bill brought to the legislature to change the designation of sheetflooding for the Helena Valley. Within a short time after that Helena Valley had a 500 year flood, which had considerable impact on the area. Because of that, another change is being requested for the Helena Valley. He stated there were persons present to speak to the bill.

PROPONENTS: Paul Spangler, Helena Civil Defense Director, stated the '81 flood has been studied and it doubled the area of the Helena valley subject to flooding, by sheetflooding. The established floodplain is along the creek. Under the proposed regulations, they would be able to tell people not to build basements in these areas, ask them to put in two feet of fill of suitable material, and give protection to homes being built.

Bob Decker, Lewis & Clark Co. Commissioner also spoke on behalf of the bill, and stated he also represented the City-County Planning Board in support of the bill. After the flood in '81 there was $6 Million spent on flood clean up. Lewis and Clark Co. spent $140,000 and the state spent most in this area. There were federal monies involved as well. The houses are already in the area and can't be moved, and in order to plan for growth, there is planning needed for development which would sustain sheetflooding.

There were no opponents to the bill.

Senator Story inquired what would be required of builders. Mr. Decker stated there would be two general requirements. That there be no basements and a certain amount of fill be

above the sheetflooding level. Rep. Donaldson pointed out that building shouldn't have been allowed in certain areas of the valley, but since it was changes need to be made to allow these people to be insured in the future. Senator Keating inquired which local government would be making the rules? Mr. Decker stated it would be the county. Senator Lee inquired if all money spent on clean-up was county and state funds? Mr. Spengler stated there was FEMA (Federal Emergency Management Assoc.) money used as well. Senator Story inquired as to whether most of the money spent by the county, the $35,000 mentioned, was spent on the roads? Mr. Decker stated a great deal of it was.

ACTION ON HOUSE BILL 630: Senator Keating moved that House Bill 630 Be Concurred In, vote was called, all voted 'aye' and motion carried.

ACTION ON HOUSE JOINT RESOLUTION NO. 2: Requesting study of Tenneco plant at Wibaux. Senator Lee stated he felt the Environmental Quality Council should be involved in some way with the Coal Tax Oversight committee on this. They have developed a very extensive library and it would be useful information for this study. Senator Dover stated it would be needed to determine if the effect is environmental before they can become involved. Senator Shaw said he felt it was important to get the conversation going between the agencies involved, and not limit to local government services. Discussion continued; Senators felt the discussion at the first level was not intended to go deeply into environmental issues. Senator Van Valkenburg then moved that HJR 2 Be Concurred In, vote was called, all voted 'aye' and motion carried.

ACTION ON HOUSE JOINT RESOLUTION NO. 12: Opposing the Federal Administrations plan to sell federal lands. Senator Lee moved Not Be Concurred in for HJR 12. It was stated that during the meeting on this bill it was brought out that the bill refers to the Secretary of Agriculture's intentions to propose legislation to expand his authority. To say that the 48th legislature opposes legislation that the federal administration intends to propose to permit the sale of lands, when we don't know what they intend to do is premature, and for this reason the do not pass was suggested. Senator Van Valkenburg stated he believed the statement that the people in D. C. and Denver have scared the people by their comments, maybe their statements are trial balloons and perhaps they don't mean what they have said, however the bi-partisan support for the bill is an indication of how much the people have been scared with the proposal of selling federal lands. The legislature meets only every two years and there isn't that much chance to react, and this is the chance to do so. Senator Halligan stated he had thought Rep. Swift was going to present some amendments to the bill. Sen. Keating said perhaps the legislation should say we don't

ROLL CALL

SENATE NATURAL RESOURCES COMMITTEE

48th LEGISLATIVE SESSION -- 1983 Date 3-2-83

NAME	PRESENT	ABSENT	EXCUSED
ECK, Dorothy (D)	✓		
HALLIGAN, Mike (D)	✓		
KEATING, Thomas F. (R)	✓		
LEE, Gary P. (R)	✓		
MANNING, Dave (D)	✓		
MOHAR, John (D)	✓		
SHAW, James N. (R)	✓		
STORY, Pete (R)	✓		
TVEIT, Larry J. (R)	✓		
VAN VALKENBURG, Fred (D)	✓		
ETCHART, Mark (R) Vice Chairman	✓		
DOVER, Harold L. (R) Chairman	✓		

DATE 3-2-83

COMMITTEE ON NATURAL RESOURCES

VISITORS' REGISTER

NAME	REPRESENTING	BILL #	Check One	
			Support	Oppose
Paul Spengler	Lewis & Clark Co.	HB630	✓	
Bob Dickerson	"	"	✓	

(Please leave prepared statement with Secretary)

Statement by Paul Spengler, Lewis & Clark County Floodplain Administrator, On HB 630, Floodplain Management.

The 1981 Legislature deleted sheet flood (less than one foot of flooding) from the floodplain at the request of Lewis and Clark County because of public opposition in the county to floodplain management. The public was opposed to the inclusion of sheet flooding in the definition of a floodplain because the State Health Department Subdivision Review Bureau does not allow septic tanks in the floodplain. This would have prevented development in large areas of the Helena Valley, because this area has a amount of sheet flooding. The County Health Department does allow septic tanks in sheet flood areas.

A 1982 report on floodplain mitigation measures by the engineering firm of Morrison-Maierle recommended to the county commissioners that they have a floodplain management program in the sheet flood areas to prevent flooding of buildings constructed in the future. This would eliminate basements and buildings would be placed on two feet of suitable fill above the height of the 1975 flood (this data will not be available for the 1981 flood for two more years).

The county is unable to adopt floodplain management in the sheet flood areas because these areas are no longer part of the official floodplain. Allowing counties this option would be of great help in preventing the future flooding of newly constructed buildings. Lewis and Clark County is the only county in the State with extensive sheet flood areas.

STANDING COMMITTEE REPORT

March 2 19 83

MR. PRESIDENT:

We, your committee on NATURAL RESOURCES

having had under consideration HOUSE Bill No. 630

Donaldson (Fuller)

Respectfully report as follows: That HOUSE Bill No. 630

BE CONCURRED IN

~~REMARK~~

SEN. HAROLD L. DOVER, Chairman.

STATE PUB. CO.
Helena, Mont.